

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EUGENE AND VICTORIA RICHARD, Individually
and on Behalf of All Others Similarly Situated, :
:
Plaintiff, : No. 1:15-cv-4579
:
vs. :
:
WAL-MART STORES, INC. & ROCKLINE
INDUSTRIES, :
Defendants. :
-----X

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, Defendants, WAL-MART STORES, INC. & ROCKLINE INDUSTRIES, INC., by and through its attorneys, will move this Court before the Honorable Jack B. Weinstein, at the United States District Court for the Eastern District of New York located at 225 Cadman Plaza East, Brooklyn, NY 11201, on February 3, 2017 at 2:00 PM, or as soon thereafter as counsel may be heard, for an Order Dismissing Plaintiffs' Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(3) for improper venue and pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted; or in the alternative, an Order transferring this action to the District of New Hampshire pursuant to 28 U.S.C. § 1404(a), as well as such other relief as may be just and proper.

Dated: December 30, 2016

By:

_____/S/_____
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WAL-MART STORES, INC.**

By:

/S/

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